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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,393	03/12/2004	Michael Naimark	INT1P206C1	7182
21912	7590	10/27/2006	EXAMINER	
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,393

Applicant(s)

NAIMARK ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. The Amendment filed on October 6, 2006 has been received and entered. Claims 21-53, and are now pending.
2. Applicant's Amendment has overcome the previous claim objections, and rejection under Double Patenting, 35 USC 101, and 112, second paragraph.

Terminal Disclaimer

3. The terminal disclaimer filed on October 6, 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,757,682 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6,385,619 B1) in view of Hunt et al. (U.S. Patent No. 5,893,091).

As to claims 21, 40, and 47, Eichstaedt et al. discloses a method of notifying a participant that a network accessible item is of current interest, including:

receiving an alert from an alerting entity regarding the network accessible item (See Eichstaedt et al. Abstract; see Eichstaedt et al. column 1, lines 43-55);

processing the alert (See Eichstaedt et al. column 3, lines 20, wherein “processing” reads on “analyzing and profile generating”); and

notifying the participant that the item is of current interest (See Eichstaedt et al. Fig. 2, element 64; see Eichstaedt et al. column 1, lines 56-62; also see Eichstaedt et al. column 3, lines 18-20);

wherein the alerting entity is not the participant (See Eichstaedt et al. Figure 2, “alerts” are broadcast through the Web server 58).

Eichstaedt et al. discloses the claimed invention except for real-time alerts. Eichstaedt et al. does not explicitly teach real-time alerts; and the item is associated with content that changes over time and the alert indicates that the content of the item at *the* current time is of interest. However, he teaches pre-defined period of time are set for notification based on Web pages (i.e. can be real-time or current time) in column 5, lines 3-8.

Hunt et al. teaches real-time alerts (See Hunt et al. column 4, lines 38-55); and the item is associated with content that changes over time and the alert indicates that the content of the item at the current time is of interest (See Hunt et al. column 5, lines 62-67, and see Hunt et al. column 6, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Eichstaedt et al. by the teaching of Hunt et al. to include real-time

alerts; and the item is associated with content that changes over time and the alert indicates that the content of the item at *the* current time is of interest because it provides for current and more accurate customized content and coherent means for filtering what information is received and intelligently responded to (See Hunt et al. column 4, lines 25-35).

As to claims 22, 41, and 48, Eichstaedt et al. as modified discloses wherein the item is identified by a Universal Resource Locator (URL) (See Eichstaedt et al. column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL).

As to claim 23, Eichstaedt et al. discloses as modified wherein the item includes dynamic content (See Eichstaedt et al. column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL which is also dynamic Web content).

As to claims 24, 33, 45, and 52, Eichstaedt et al. as modified discloses wherein the alert includes an interest category assigned by the alerting entity (See Eichstaedt et al. column 2, lines 42-48).

As to claims 25, 42, and 49, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an alert intensity (See Eichstaedt et al. column 3, lines 29-38,

wherein “alerting intensity” reads on “numerical value”, also see Eichstaedt et al. column 3, lines 49-54)

As to claim 26, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an alert intensity based at least in part on the altering entity’s identity (See Eichstaedt et al. Figure 2, 62, and see Eichstaedt et al. column 3, lines 15-20, wherein “identity” reads on “profile”).

As to claims 27, 43, and 50, Eichstaedt et al. as modified discloses wherein processing the alert includes updating a timestamp (See Eichstaedt et al. column 4, lines 4-10, also see Eichstaedt et al. column 5, lines 2-10).

As to claim 28, Eichstaedt et al. as modified discloses further including storing data associated with the alert (See Eichstaedt et al. column 3, lines 7-25).

As to claim 29, Eichstaedt et al. as modified discloses the alert includes using data associated with a previous alert (See Eichstaedt et al. column 4, lines 4-10, also see Eichstaedt et al. column 5, lines 2-10).

As to claims 30, 44, and 51, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an intensity rank (See Eichstaedt et al. column 3, lines 49-53; where “intensity rank” is read on “weight”).

As to claim 31, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an intensity rank that decays exponentially with time (See Eichstaedt et al. column 4, lines 4-8).

As to claim 32, Eichstaedt et al. as modified discloses wherein processing the alert includes:

determining an intensity rank (See Eichstaedt et al. column 4, lines 44-47); and
in the event the intensity rank is below a threshold, deleting data associated with the item (See Eichstaedt et al. column 4, lines 50-67, wherein threshold is used to calculate the relevance of the content).

As to claim 34, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least in part on an interest category associated with the participant (See Eichstaedt et al. column 3, lines 49-60).

As to claim 35, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least in part on intensity rank (See Eichstaedt et al. column 4, lines 31-47, also see Eichstaedt et al. column 5, lines 15-20).

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As to claim 36, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are ordered with respect to each other (See Eichstaedt et al. column 1, lines 46-55; where “intensity rank” is read on “interest score”).

As to claim 37, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least in part on a sensitivity level associated with the participant (See Eichstaedt et al. column 4, lines 4-28; and see Eichstaedt et al. column 4, lines 31-55, also see Eichstaedt et al. column 5, lines 2-29).

As to claims 38, 39, 46, and 53, Eichstaedt et al. as modified discloses further including displaying to the participant content associated with the item of interest (See Eichstaedt et al. column 1, lines 41-44; also see Eichstaedt et al. column 2, lines 15-19).

Response to Arguments

6. Applicant's arguments with respect to claims 21-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacNaughton et al. (U.S. Patent No. 6,020,884) teaches on-line service community with real-time notification.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
October 23, 2006

Am Mofiz
Am Mofiz
Primary Examiner
TC 2103